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10/074,318	02/11/2002	Max Abecassis		7976

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EXAMINER	
CHOWDHURY, NIGAR	
ART UNIT	PAPER NUMBER
2621	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/074,318	ABECASSIS, MAX	
	Examiner	Art Unit	
	Nigar Chowdhury	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 06/28/2007 have been fully considered but they are not persuasive.

In re page 9, applicant argues that Cookson teaches "Routine control sequences which are standard in the art" and the "the use is given the choice of changing defaults" but Cookson fails to disclose "a request to replay a portion of the video" and "changing, responsive to the replay request, an audio of the video" recited in independent claims.

In response, the examiner respectfully disagrees. Cookson discloses from col. 25 lines 32-40 that "A in many...keyboard can be used by the user at any time to interrogate or control the player...remote control device, can be used to control the volume, fast forward, a jump to a specified chapter, etc....." User can use remote control device to replay a portion of video through "jump" operator or "fast forward" operator to watch a favorite portion of video as user desired. Cookson also disclose from col. 25 lines 9-20 that "The next ....language-the sound track ...the default language would be English. If the user does not inform the player that a language other than English is desired for one or more of these functions, audio language track 10 will be use to generate the sound track, and character strings in the English language will be use in setting up ...." User can change language of audio as desired and they can also replay the portion of video by the remote control device.

In re page 9, applicant argues that Cookson fails to disclose "discontinuing, responsive to the replay request, the playing of the changed audio" and also argues that "The application itself teaches that requiring the user to change the audio selected would result in the "loss of attention to the playing of the video"" as recited in the independent claims.

In response, the examiner respectfully disagrees. User can discontinue the play of audio by the remote control. There is nowhere in the claim limitation limits, discontinuing the playing function due to "loss of attention to the playing of the video" The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743,386 F.2d 924, 155 USPQ 687 (1968).

Double Patenting

1. Claims 21-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,6 of U.S. Patent No. 6,408,128 in view of US Patent No. 5,400,077 by Cookson et al. and US Patent No. 6,493,506 by Schoner et al.

2. Regarding **claim 21** of this application, claim 1 of US Patent No. 6,408,128 recites a method of replaying a portion of a video comprising the step of:

- Receiving, during a playing of a video, a replay request to replay a portion of the video

- Playing, the video responsive to the replay request
- Discontinuing, responsive to the replay request.

US Patent No. 6,408,128 does not disclose

- Receiving, the portion of the video being responsive to a preestablished amount of time.
- Changing, responsive to the replay request and to a preestablished audio preference, an audio of the video
- Playing, responsive to the replay request, the portion of the video and the changed audio
- Discontinuing, responsive to the replay request, the playing of the changed audio.

Cookson discloses

- Changing, responsive to the replay request and to a prestablished audio preference, an audio of the video (Fig. 5, Col. 25 lines 9-20)
- Playing, responsive to the replay request, the portion of the video and the changed audio (Fig. 5, Col. 14 lines 22-57,Col. 25 lines 9-20, Col. 25 lines 32-40, Col. 26 lines 43-Col. 27 lines 11).
- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (col. 25 lines 32-40))

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 21 of this application

to include changing, playing, and discontinuing option, as taught by Cookson, for the advantage of providing different language of audio with video to the user when they want to select by the user interference.

US Patent No. 6,408,128 and Cookson fail to disclose Receiving, the portion of the video being responsive to a preestablished amount of time.

Schoner discloses Receiving, the portion of the video being responsive to a preestablished amount of time (col. 12 lines 4-16)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 21 of this application to include receiving option, as taught by Schoner, for the advantage of providing a user to receive pre established amount of time to replay a video. It will be easy for a user to set up a time to replay a video, when they are away from TV or they are going to sleep.

3. Regarding **claim 22** of this application, claims of US Patent No. 6,408,128 do not specifically discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language; and wherein the portion of the video is cumulative responsive to a successive replay request.

Cookson discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume,

and the audio utilizing an alternative dialog audio language (Col. 25 lines 32-40); and wherein the portion of the video is cumulative responsive to a successive replay request (Fig. 5, Col. 26 lines 43- Col. 27 lines 11).

4. Regarding **claim 23** of this application, claim 6 of US Patent No. 6,408,128 do not specifically discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language

Cookson discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 32-40)

5. **Claim 24** is rejected for the same reason discussed in the corresponding claim 22 above

6. Regarding **claim 25** of this application, claim 1 of US Patent No. 6,408,128 recites a method of replaying a portion of a video comprising the step of:

- Receiving, during a playing of a video, a replay request to replay a portion of the video
- Enabling, a playing of subtitles

- Playing, the video and subtitle responsive to the replay request
- Discontinuing, responsive to the replay request

US Patent No. 6,408,128 does not disclose

- Receiving, during a playing of a video, the portion of the video being responsive to a preestablished amount of time
- Changing, responsive to the replay request and to a preestablished audio preference, an audio of the video
- Playing, responsive to the replay request, the portion of the video and the changed audio
- Discontinuing, responsive to the replay request, the playing of the changed audio

Cookson discloses

- Changing, responsive to the replay request and to a preestablished audio preference, an audio of the video (Fig. 5, Col. 25 lines 9-20)
- Playing, responsive to the replay request, the video and the changed audio (Fig. 5, Col. 14 lines22-57, Col. 25 lines 9-20, Col. 25 lines 32-40, Col. 26 lines 43-Col. 27 lines 11).
- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40))

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 25 of this application

to include changing, playing, and discontinuing option, as taught by Cookson, for the advantage of providing different language of audio with video to the user when they want to select by the user interference.

US Patent No. 6,408,128 and Cookson fail to disclose Receiving, the portion of the video being responsive to a preestablished amount of time.

Schoner discloses Receiving, the portion of the video being responsive to a preestablished amount of time (col. 12 lines 4-16)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 25 of this application to include receiving option, as taught by Schoner, for the advantage of providing a user to receive pre established amount of time to replay a video. It will be easy for a user to set up a time to replay a video, when they are away from TV or they are going to sleep.

7. **Claim 26** is rejected for the same reason discussed in the corresponding claim 25 above

8. **Claim 27** is rejected for the same reason discussed in the corresponding claim 24 above

9. **Claim 28** is rejected for the same reason discussed in the corresponding claim 22 above

10. **Claim 29** is rejected for the same reason discussed in the corresponding claim 23 above

11. **Claim 30** is rejected for the same reason discussed in the corresponding claim 21 above

12. **Claim 31** is rejected for the same reason discussed in the corresponding claim 22 above .

13. **Claim 32** is rejected for the same reason discussed in the corresponding claim 25 above

14. **Claim 33** is rejected for the same reason discussed in the corresponding claim 24 above

15. **Claim 34** is rejected for the same reason discussed in the corresponding claim 23 above

16. **Claim 35** is rejected for the same reason discussed in the corresponding claim 21 above

17. **Claim 36** is rejected for the same reason discussed in the corresponding claim 22 above

18. **Claim 37** is rejected for the same reason discussed in the corresponding claim 26 above

19. **Claim 38** is rejected for the same reason discussed in the corresponding claim 30 above

20. **Claim 39** is rejected for the same reason discussed in the corresponding claim 22 above

21. **Claim 40** is rejected for the same reason discussed in the corresponding claim 23 above

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,400,077 by Cookson et al. in view of US Patent No. 6,493,506 by Schoner et al.

23. Regarding **claim 21**, a method of replaying a portion of a video comprising the steps of:

- Receiving, during a playing of a video, request to replay a portion of the video (Fig. 2 (79), Col. 25 lines 9-20, 32-40)
- Changing, responsive to the replay request and to a preestablished audio preference, an audio of the video (Col. 25 lines 9-20, 32-40)
- Playing, responsive to the replay request, the portion of the video and the changed audio (Fig. 5, Col. 14 lines 22-57, Col. 26 lines 43-Col. 27 lines 11).
- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40))

Cookson fails to disclose Receiving, the portion of the video being responsive to a preestablished amount of time.

Schoner discloses Receiving, the portion of the video being responsive to a preestablished amount of time (col. 12 lines 4-16)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Cookson's system to include receiving option, as taught by Schoner, for the advantage of providing a user to receive pre established amount of time to replay a video. It will be easy for a user to set up a time to replay a video, when they are away from TV or they are going to sleep.

24. Regarding **claim 22**, the method wherein the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 9-20, 32-40); and wherein portion of the video is cumulative responsive to a successive replay request. (Fig. 5, Col. 26 lines 43- Col. 27 lines 11).

25. Regarding **claim 23**, the method wherein the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 9-20, 32-40)

26. Regarding **claim 24**, the method wherein the portion of the video is also responsive to information defining segments of the video (Fig. 3 (field 19), Col. 19 lines 31-66, Col. 25 lines 9-20, 32-40).

27. Regarding **claim 25**, a method of replaying a portion of a video comprising the steps of:

- Receiving, during a playing of a video, a replay request to replay a portion of the video (Fig. 2 (79), Col. 25 lines 9-20, 32-40)
- Changing, responsive to the replay request and to a preestablished audio preference, an audio of the video (Col. 25 lines 9-20, 32-40)
- Enabling, responsive to the replay request, a playing of subtitle (fig. 5, col. 26 lines 43-col. 27 lines 44)
- Playing, responsive to the replay request the portion of the video the changed audio, and the subtitles (Fig. 5, Col. 14 lines 22-57, Col. 26 lines 43-Col. 27 lines 11).
- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40)).

28. **Claim 26** is rejected for the same reason discussed in the corresponding claim 26 above

29. **Claim 27** is rejected for the same reason discussed in the corresponding claim 24 above

30. **Claim 28** is rejected for the same reason discussed in the corresponding claim 22 above

31. **Claim 29** is rejected for the same reason discussed in the corresponding claim 23 above

32. **Claim 30** is rejected for the same reason discussed in the corresponding claim 21 above

33. **Claim 31** is rejected for the same reason discussed in the corresponding claim 22 above

34. **Claim 32** is rejected for the same reason discussed in the corresponding claim 25 above

35. **Claim 33** is rejected for the same reason discussed in the corresponding claim 24 above

36. **Claim 34** is rejected for the same reason discussed in the corresponding claim 23 above

37. **Claim 35** is rejected for the same reason discussed in the corresponding claim 25 above

38. **Claim 36** is rejected for the same reason discussed in the corresponding claim 24 above

39. **Claim 37** is rejected for the same reason discussed in the corresponding claim 25 above

40. **Claim 38** is rejected for the same reason discussed in the corresponding claim 30 above

41. **Claim 39** is rejected for the same reason discussed in the corresponding claim 24 above

42. **Claim 40** is rejected for the same reason discussed in the corresponding claim 23 above

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
09/14/2007